

THE WHITE HOUSE  
WASHINGTON

September 30, 2011

Presidential Determination  
No. 2011-18

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination with Respect  
to Foreign Governments' Efforts Regarding  
Trafficking in Persons

Consistent with section 110 of the Trafficking Victims  
Protection Act of 2000 (Division A of Public Law 106-386),  
as amended (the "Act"), I hereby:

Make the determination provided in section 110(d)(1)(A)(i) of  
the Act, with respect to Burma, the Democratic Republic of the  
Congo, Equatorial Guinea, and Zimbabwe, not to provide certain  
funding for those countries' governments for Fiscal Year 2012,  
until such governments comply with the minimum standards or make  
significant efforts to bring themselves into compliance, as  
may be determined by the Secretary of State in a report to the  
Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(1)(A)(ii)  
of the Act, with respect to Cuba, the Democratic People's  
Republic of North Korea (DPRK), Eritrea, Iran, Madagascar, and  
Venezuela, not to provide certain funding for those countries'  
governments for Fiscal Year 2012, until such governments  
comply with the minimum standards or make significant efforts  
to bring themselves into compliance, as may be determined by  
the Secretary of State in a report to the Congress pursuant  
to section 110(b) of the Act;

Determine, consistent with section 110(d)(4) of the Act,  
with respect to Algeria, the Central African Republic,  
Guinea-Bissau, Kuwait, Lebanon, Libya, Mauritania,

Micronesia, Papua New Guinea, Saudi Arabia, Sudan, Turkmenistan, and Yemen that provision to these countries' governments of all programs, projects, or activities of assistance described in sections 110(d)(1)(A)(i)-(ii) and 110(d)(1)(B) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Burma, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act to support government labs and offices that work to combat infectious disease and to support government participation in nongovernmental organization-run civil society programs and Association of South East Asian Nations programs addressing vulnerable populations would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Cuba and Venezuela, that a partial waiver to allow funding for educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act that are related to democracy or the rule of law programming would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Iran, that a partial waiver to allow funding for educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to the Democratic Republic of the Congo, that assistance and programs described in section 110(d)(1)(A)(i) and 110(d)(1)(B) of the Act, with the exception of Foreign Military Sales and Foreign Military Financing, would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Venezuela, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act to

support programs designed to strengthen the democratic process in Venezuela would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Equatorial Guinea, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act to support programs to study and combat the spread of infectious diseases and to advance sustainable natural resource management and biodiversity would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Equatorial Guinea, that assistance described in section 110(d)(1)(B) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Zimbabwe, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act for assistance for victims of trafficking in persons or to combat such trafficking, and for programs to support the promotion of health, good governance, education, agriculture and food security, poverty reduction, livelihoods, family planning, and macroeconomic growth including anticorruption, and programs that would have a significant adverse effect on vulnerable populations if suspended, would promote the purposes of the Act or is otherwise in the national interest of the United States;

And determine, consistent with section 110(d)(4) of the Act, with respect to Venezuela and Zimbabwe, that assistance described in section 110(d)(1)(B) of the Act, which:

(1) is a regional program, project, or activity under which the total benefit to Venezuela or Zimbabwe does not exceed 10 percent of the total value of such program, project, or activity; or

(2) has as its primary objective the addressing of basic human needs, as defined by the Department of the Treasury with respect to other, existing legislative mandates concerning U.S. participation in the multilateral development banks; or

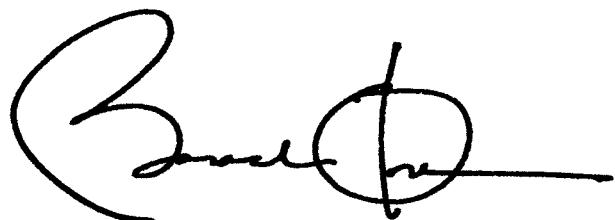
(3) is complementary to or has similar policy objectives to programs being implemented bilaterally by the United States Government; or

(4) has as its primary objective the improvement of Venezuela or Zimbabwe's legal system, including in areas that impact Venezuela or Zimbabwe's ability to investigate and prosecute trafficking cases or otherwise improve implementation of its anti-trafficking policy, regulations or legislation; or

(5) is engaging a government, international organization, or civil society organization, and seeks as its primary objective(s) to: (a) increase efforts to investigate and prosecute trafficking in persons crimes; (b) increase protection for victims of trafficking through better screening, identification, rescue or removal; aftercare (shelter, counseling) training and reintegration; or (c) expand prevention efforts through education and awareness campaigns highlighting the dangers of trafficking or training and economic empowerment of populations clearly at risk of falling victim to trafficking, would promote the purposes of the Act or is otherwise in the national interest of the United States.

The certification required by section 110(e) of the Act is provided herewith.

You are hereby authorized and directed to submit this determination to the Congress, and to publish it in the *Federal Register*.

A handwritten signature in black ink, appearing to read "Brian K. Williams". The signature is fluid and cursive, with a small circle containing a mark to the right of the main name.

MEMORANDUM OF JUSTIFICATION CONSISTENT WITH THE  
TRAFFICKING VICTIMS PROTECTION ACT OF 2000, REGARDING  
DETERMINATIONS WITH RESPECT TO "TIER 3" COUNTRIES

Pursuant to section 110(d) of the Trafficking Victims Protection Act of 2000 (Div. A, P.L. 106-386), as amended (the "Act"), the President has made determinations regarding the 23 countries placed in Tier 3 in the Department of State's 2011 Trafficking in Persons Report. The President has determined to restrict assistance for Burma, Cuba, the Democratic People's Republic of Korea (DPRK), the Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Iran, Madagascar, Venezuela, and Zimbabwe. The United States will not provide any non-humanitarian, non-trade-related assistance to the Governments of Cuba, the DPRK, Eritrea, Iran, and Madagascar, and will not provide certain non-humanitarian, non-trade-related assistance to the Governments of Burma, the Democratic Republic of Congo, Equatorial Guinea, Venezuela, and Zimbabwe, until such governments comply with the Act's minimum standards to combat trafficking or make significant efforts to do so. The United States will not provide funding for participation by officials or employees of the Governments of the DPRK, Madagascar, and Eritrea in educational and cultural exchange programs until those governments comply with the Act's minimum standards to combat trafficking or make significant efforts to do so. The President has determined, consistent with the Act's waiver authority, that provision of certain assistance to the Governments of Burma, Cuba, the Democratic Republic of the Congo, Equatorial Guinea, Iran, Venezuela, and Zimbabwe would promote the purposes of the Act or is otherwise in the national interest of the United States. The President also has determined, consistent with the Act's waiver authority, that provision of all bilateral and multilateral assistance referred to in section 110(d) to Algeria, the Central African Republic, Guinea-Bissau, Kuwait, Lebanon, Libya, Mauritania, Micronesia, Papua New Guinea, Saudi Arabia, Sudan, Turkmenistan, and Yemen would promote the purposes of the Act or is otherwise in the national interest of the United States.

The President has determined, consistent with the provisions of the Act, that the U.S. executive director of each multilateral development bank, as defined in the Act, and of the International Monetary Fund, will vote against, and use the executive director's best efforts to deny, any loan or other utilization of funds of the respective institution to the Governments of Burma, Madagascar, Cuba, the DPRK, Eritrea, Iran,

Venezuela, and Zimbabwe (with specific exceptions for Venezuela and Zimbabwe) for fiscal year 2012, until such governments comply with the minimum standards or make significant efforts to come into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act.

## **Explanations of the President's Determinations**

### **Algeria**

The Government of Algeria does not fully comply with the Act's minimum standards for the elimination of trafficking and is not making significant efforts to do so. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: The Government of Algeria made no efforts to address human trafficking through investigations, prosecutions, or convictions. The government also failed to identify and protect trafficking victims and continued to lack adequate measures to protect victims and prevent trafficking.

The President's determination with respect to Algeria, consistent with the Act's waiver authority, will allow for the continuation of counterterrorism and democracy programs. Specifically, Algeria is a partner in the Trans-Sahara Counter Terrorism Partnership (TSCTP) program, which is designed to improve regional security, and strongly supports U.S. counterterrorism objectives. International Military Education and Training (IMET) funding, which focuses on professional military education, technical training, and English language competency programs, is geared toward professionalizing future Algerian military leaders and encouraging respect for democratic values and human rights. With respect to both TSCTP and IMET, the waiver will support U.S. efforts to cooperate with Algeria against shared terrorism threats, including al-Qa'ida in the Islamic Maghreb. It will encourage responsible behavior in the Algerian security services and enable Algeria to participate in peacekeeping and humanitarian operations throughout the African continent. Finally, such a determination will allow for the continuation of Middle East Partnership Initiative (MEPI) funds for democracy, civil society, and education programs in Algeria. Restricting MEPI programs would remove a key U.S. government tool in promoting democratic reforms and human rights in Algeria.

Impact of Restrictions: Restrictions on assistance under the Act would apply to an estimated \$1.3 million in IMET funding, \$400,000 in Anti-Terrorism Assistance (ATA), \$300,000 in Nonproliferation, Antiterrorism, Demining and Related Programs-

Export Control and Related Border Security Assistance (NADR-EXBS, and \$900,000 in MEPI assistance. Restrictions would also apply to whatever portion of the \$20 million TSCTP regional peacekeeping operations that may be allocated to improve Algeria's military capacity to combat terrorism.

## **Burma**

The Government of Burma does not fully comply with the Act's minimum standards for the elimination of trafficking and is not making significant efforts to do so. The President has determined to restrict assistance for Burma. The President has also determined that provision of funding for programs to support government labs and offices that work to combat infectious diseases and funding to allow the participation of government officials in civil society programs and Association of South East Asian Nations programs addressing vulnerable populations would promote the purposes of the Act, or is otherwise in the national interest of the United States.

Justification: Trafficking within Burma continues to be a significant problem, as the military engages in the unlawful conscription of children and continues to be the main perpetrator of forced labor inside the country. Burmese civilian and military authorities' use of forced or compulsory labor remains a widespread and serious problem, particularly targeting members of ethnic minority groups. The Burmese regime's gross economic mismanagement and human rights abuses, coupled with the Burma military's continued widespread use of forced and child labor as well as recruitment of child soldiers, remain the driving factors behind Burma's significant trafficking problem, both within the country and abroad.

A partial waiver of restrictions is in the national interest because it will allow U.S. funding to continue for programs supporting Burmese government labs and offices that work to combat infectious diseases. As part of the United States Government's commitment to address grave public health threats in the greater Mekong Sub-Region, USAID's U.N. partners provide technical assistance to the Government of Burma in order to strengthen their capacity to detect, contain, and combat the spread of infectious diseases, including multi-drug resistant malaria, tuberculosis, and highly pathogenic avian influenza (H5N1). Infectious diseases pose serious threats in Burma, where the Government of Burma itself does not provide sufficient resources to prevent and treat these cases. Vulnerable populations are particularly at risk for illness and death due to these infectious diseases. The death rate from malaria in Burma is nearly four times higher than any other country in the region and Burma is one of 22 high-burden tuberculosis countries in the world, according to the World Health Organization. Drug-resistance to both malaria and tuberculosis is on the rise; the U.S. assistance program helps combat these trends.

The partial waiver is also in the national interest because it will allow U.S. funding to continue for the participation of government officials in civil society programs, including those addressing child protection principles, to strengthen the government's protection of vulnerable populations.

Impact of Restrictions: The United States does not provide assistance to the Burmese government, other than to certain government entities working to combat infectious diseases. The infectious disease funding allocates approximately \$3,575,000 dollars to the United Nations, working in cooperation with the Government of Burma, to address pandemic influenza, malaria, and tuberculosis. Existing restrictions on Burma include a ban on new investment, imports, exports of financial services, bilateral assistance, and arms sales. Additionally, travel restrictions or financial sanctions have been imposed against senior Burmese officials and their immediate relatives, a number of state-owned enterprises, and other individuals and entities affiliated with the regime. However, restrictions may impact funding for civil society programs run by nongovernmental organizations that invite the participation of government officials.

## Central African Republic

The Government of the Central African Republic (CAR) does not fully comply with the minimum standards for the elimination of trafficking and, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, is deemed not to be making significant efforts to do so. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: The Government of the Central African Republic, which has limited human and physical capital, did not investigate and prosecute trafficking offenses, identify or provide protective services to trafficking victims, or take significant steps to raise public awareness about the dangers of human trafficking. The revised Central African penal code, enacted in January 2010 outlaws all forms of trafficking in persons, but awareness of this statute remained low.

The President's determination with respect to the CAR, consistent with the Act's waiver authority, will allow for the continuation of economic growth, natural resource management, biodiversity, good governance, and human rights and civil military relations programming. Finally, the determination will allow the United States to support economic growth and development programs funded by international financial institutions. As one of the least developed countries in the world, CAR is dependent on international assistance, much of which is provided by international financial institutions, to help meet the basic human needs of its citizens.

CAR is a key partner in U.S. efforts to help end the threat posed by the Lord's Resistance Army (LRA) in the central African region. The President's determination will facilitate U.S. cooperation with the CAR government to counter the LRA. The military IMET funding encourages the implementation of military reforms in CAR that aim to prevent a recurrence of military mutinies. The IMET programs promote basic democratic values and respect for human rights in CAR's armed forces.

Finally, the waiver determination will further support anti-trafficking objectives by supporting programming to assist in the transition of the artisanal diamond industry from an illicit to a legalized supply chain. This shift helps reduce

opportunities for corruption and also limits the ability of predatory actors to seize land and to create illegal mining operations. Such operations typically result in significant human rights abuses, including rampant labor violations, affecting men, women, and children in these areas, including forced child labor. Improving tenure rights and access has the additional benefit of reducing conflict among local miners and of facilitating livelihood diversification, particularly important for local women.

Impact of Restrictions: Restrictions on assistance under the Act would apply to an estimated \$1.4 million in Economic Support Funds (ESF), \$500,000 in development assistance, and \$125,000 in IMET. The estimated \$1.4 million in ESF will be used to clarify and formalize land tenure rights for alluvial diamond miners as part of the process of strengthening the chain of custody required by the U.N.-mandated Kimberley Process Certification Scheme. Reduced trade in conflict diamonds will help mitigate trans-boundary violence, civil conflict and trade in arms throughout sub-Saharan Africa. An estimated \$500,000 in development assistance will be used for programs, under the Central African Regional Program for the Environment (CARPE), to promote sustainable natural resource management in the Congo Basin forest, the second largest contiguous moist tropical forest in the world and one of the world's carbon sinks. CARPE works to reduce the rate of forest degradation and loss of biodiversity by supporting increased local, national, and regional natural resource management capacity. An estimated \$125,000 in IMET funding assists in efforts to transform CAR's military into a conventional professional force that respects democratic values and human rights.

### Congo, Democratic Republic of the

The Government of the Democratic Republic of the Congo (DRC) does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to do so. The President has determined to restrict assistance for the DRC. The President has also determined, consistent with the provisions of the Act, that that provision of funding for all programs, projects and activities of assistance, with exception of Foreign Military Funding (FMF) and Foreign Military Sales (FMS), described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: The Government of the DRC did not show evidence of progress in punishing labor or sex trafficking offenders among members of its own armed forces, but took initial steps investigating three suspected sex and labor trafficking cases. Nevertheless, elements of the national army increasingly perpetrated severe human trafficking abuses during the year, including forcibly recruiting children and using local populations to perform forced labor; some army commanders actively blocked - with complete impunity - efforts to monitor and remove children from their units, obstruction that has persisted for nearly two years. The government failed to provide protective services for the vast majority of trafficking victims or to raise public awareness of human trafficking.

A partial waiver of restrictions is in the national interest because it will allow for development assistance and advancement of U.S. government goals of consolidating peace, democratic reform, and advancing human rights in the country. The focus for peacekeeping operations and IMET is to develop the capacity of the DRC military as a non-political, professional force respectful of human rights. The national army has limited capacity to establish peace and protect civilians in the troubled eastern region. Ongoing conflict and instability in that region leads to a fragile and insecure environment and impedes development efforts. Illegal armed groups, including foreign and indigenous militia, continue to fight for control of land, natural resources, and economic and political influence. The instability results in rape and sexual violence and continued civilian displacement. The waiver will allow the United States to emphasize human rights as integral part of overall security sector reform.

The waiver of restrictions on development assistance is in the national interest because it provides post-conflict assistance to improve access to health services, provide economic opportunities to enhance livelihoods, and strengthen democratic institutions. Restricting assistance to the DRC would hurt broader stabilization and institutional reform policy objectives, and adversely affect vulnerable populations, such as women and children. It would also undermine USAID and the DRC's current anti-trafficking efforts that: 1) aim to contribute to the reduction of human trafficking in the DRC by partnering with the International Organization for Migration to gain and share a better understanding of trafficking in the DRC, 2) to propose and support a more active and more professional role of government agencies in combating human trafficking, and 3) to propose amendments in the legislation that correspond to international standards.

Impact of Restrictions: Restrictions on assistance under the Act apply to an estimated \$300,000 in FMF and \$1.26 million in FMS funded with national funds. Restrictions would apply to an estimated \$60 million in ESF, \$700,000 in development assistance, \$500,000 in IMET, \$1 million in NADR, and \$19 million in peacekeeping operations. IMET programs are critical to providing professionalization training to influence and train current and future Congolese military leaders. FMF and FMS to the DRC army are currently suspended pursuant to the Secretary's certification regarding assistance to agencies and officials of Tier 3 countries involved in severe forms of trafficking in persons. The ESF and development assistance would help develop DRC political and social institutions through programs advancing the rule of law and human rights, good governance, elections support, strengthening of civil society, education, environmental management, and agricultural policy reforms.

## **Cuba**

The Government of Cuba does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to bring itself into compliance. The President has determined to restrict assistance for Cuba. The President has also determined that provision of funding for participation of government officials or employees in educational and cultural exchange programs focusing on the areas that are fundamental to promoting democracy and the rule of law would promote the purposes of the Act, or is otherwise in the national interest of the United States.

Justification: The Government of Cuba did not publicize information about government measures to address human trafficking through prosecution, protection, or prevention efforts during the reporting period. The Cuban government does not appear to have developed a comprehensive strategy to address the problem, and has few discernible anti-trafficking law enforcement, victim protection, or trafficking prevention measures or policies in place.

Restricting assistance for Cuba for its failure to make efforts in combat trafficking in persons expresses clear U.S. concern and interest in improving the prevention and protection afforded to trafficked individuals by the Government of Cuba.

A partial waiver of restrictions for educational and cultural exchange programs is in the national interest as the inception of such programs will promote themes that are fundamental to strengthening democracy, rule of law, respect for human rights and a greater understanding within Cuba of the United States and its people.

Impact of Restrictions: The United States Government does not offer non-humanitarian, non-trade related assistance to the Government of Cuba and will not allow any significant new investment in Cuba by U.S. companies until democratic and economic reforms are instituted. The Government of Cuba is already subject to an extensive economic embargo tied to Cuba's poor record on, among other things, democracy, human rights, and economic reform.

## **Equatorial Guinea**

The Government of Equatorial Guinea does not fully comply with the Act's minimum standards for the elimination of trafficking and, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, is deemed not to be making significant efforts to do so. The President has determined to restrict assistance to Equatorial Guinea. The President has also determined that provision of funding to support programs to study and combat the spread of infectious diseases and to advance sustainable natural resource management and biodiversity would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: Despite limited law enforcement action against suspected human smugglers and traffickers, including complicit public officials, the Government of Equatorial Guinea has made no tangible efforts to provide victims of trafficking with the protective services mandated in its 2004 anti-trafficking law. Church-run orphanages continued to provide all services for victims of trafficking in the country without government support or funding. The government routinely deported illegal immigrants without attempting to screen for trafficking indicators. Prevention efforts have decreased, as the government did not hold any public awareness campaigns and its interagency commission on human trafficking took little, if any, action.

A partial waiver of restrictions is in the national interest because it will allow U.S. funding to continue for programs supporting Equatorial Guinean government entities working to combat infectious diseases. The spread of infectious diseases in Equatorial Guinea could have negative impact on regional and global public health, including impacts on vulnerable populations. The waiver will also allow the continuation of programs to promote sustainable natural resource management and biodiversity in the Congo Basin Forest, a U.S. national priority.

Impact of Restrictions: The United States does not provide assistance to the Equatorial Guinean government, other than to certain government entities working to combat infectious diseases and to those promoting biodiversity and sustainable forest management. An estimated \$104,085 will be used to train peer educators to conduct HIV/AIDS prevention activities. Development assistance will be used for programs, under CARPE, to promote sustainable natural resource management in the Congo

Basin forest, the second largest contiguous moist tropical forest in the world and one of the world's carbon sinks. CARPE works to reduce the rate of forest degradation and loss of biodiversity by supporting increased local, national, and regional natural resource management capacity. Congress has historically earmarked biodiversity funding to support CARPE programs.

## **Eritrea**

The Government of the State of Eritrea does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to bring itself into compliance. The President has determined to restrict assistance for Eritrea.

Justification: Eritrea is a source country for men, women, and children subjected to forced labor and, to a lesser extent, sex trafficking. During the reporting period, acts of forced labor occurred in Eritrea, particularly in connection with the implementation of the country's national service program. The Government of the State of Eritrea made no known efforts to prosecute or punish trafficking offenses and no discernible efforts to protect victims of trafficking. The government continues to have no known facilities dedicated to trafficking victims and does not provide funding or other forms of support to nongovernmental organizations for services to trafficking victims. Furthermore, the Eritrean government reportedly targeted increasingly younger children for military conscription and training.

Restricting assistance for Eritrea for its failure to make efforts to combat activities related to trafficking in persons expresses clear U.S. disapproval of the Eritrean government's acceptance, if not endorsement, of such trafficking activities.

Impact of Restrictions: The United States Government does not provide foreign assistance to the Eritrean government, which is already subject to sanctions that prohibit the sale or licensing for export of defense articles and defense services to countries certified by the United States as not cooperating fully with U.S. antiterrorism efforts. Eritrea is also designated as a country of particular concern for its poor human rights record. As a result, Eritrea is subject to an ongoing arms embargo referenced in 22 CFR 126.1(a) pursuant to the Presidential Action under the International Religious Freedom Act of 1998.

## **Guinea-Bissau**

The Government of Guinea-Bissau does not fully comply with the minimum standards for the elimination of trafficking and, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, is deemed not to be making significant efforts to do so. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: Guinea-Bissau is a country of origin for children subjected to forced labor and sex trafficking. Unscrupulous religious teachers or their intermediaries recruit boys under the pretense of offering them a Koranic education, but subsequently transport them to other countries in Africa where they are forced to beg for money. The Government of Guinea-Bissau acknowledged that human trafficking is a problem in the country and took steps to enact legislation outlawing all forms of trafficking. It lacked a properly functioning judicial system and did not pursue criminal action against trafficking offenders during the year. Anti-trafficking awareness efforts apply the misleading phrase "children in movement" in place of "trafficking", in an attempt to avoid backlash from religious communities. Police claimed to monitor the activities of known trafficking perpetrators, but failed to initiate law enforcement actions against them.

The President's determination with respect to Guinea-Bissau, consistent with the Act's waiver authority, will allow the United States Government to promote Bissau-Guinean stability, its capacity to protect human rights, and a military that respects human rights. Development assistance funds will also be used to promote the purposes of the Act by supporting projects that address human trafficking and improve governance and rule of law. Furthermore, IMET assistance will protect vulnerable populations by enhancing Guinea-Bissau's stability and the military's respect for human rights. Guinea-Bissau's stability is crucial for regional stability.

Impact of Restrictions: Restrictions on assistance under the Act would apply to an estimated \$600,000 in development assistance and \$25,000 in IMET. Development assistance programs will train government and civil society to protect human rights more effectively, including by facilitating the investigation

and prosecution of trafficking offenders who force Koranic students ("talibés") to become beggars in Senegal. By continuing IMET funding in coordination with other donors in support of a comprehensive security sector reform program, the United States seeks to train the military to enhance the its understanding of its roles and responsibilities and instill professionalism and respect for human rights and fiscal transparency. The reform project aims to train the replacements for Bissau-Guinean military leadership accused of corruption.

## **Iran**

The Government of Iran does not fully comply with the Act's minimum standards for the elimination of trafficking and is not making significant efforts to bring itself into compliance. The President has determined to restrict assistance for Iran. The President has also determined that provision of funding for participation of government officials and employees in educational and cultural exchange programs would promote the purposes of the Act, or is otherwise in the national interest of the United States.

Justification: The Government of Iran did not report any law enforcement efforts to punish trafficking offenders and continues to lack any semblance of victim protection measures. Victims of trafficking are, by government policy, detained and deported if without legal immigration status in the country, or simply jailed or turned away if Iranian nationals, further compounding their trauma. The Government of Iran has made no discernible efforts to address widespread government corruption that facilitates trafficking in Iran.

Restricting assistance for Iran for its failure to make efforts to combat activities related to trafficking in persons expresses clear U.S. disapproval of the Iranian government's failure to take action to combat trafficking in persons.

A partial waiver of restrictions for educational and cultural exchange programs is in the national interest as the continuation of such existing programs will promote greater understanding within Iran of the United States and its people. Educational exchanges are one of the few venues to engage the Iranian people.

Impact of Restrictions: The United States Government does not provide non-humanitarian, non-trade related assistance to the Government of Iran. The Government of Iran is already subject to economic sanctions due to, among other things, its support for international terrorism.

**Korea, Democratic People's Republic of (DPRK)**

The Government of the DPRK does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to bring itself into compliance. The President has determined to restrict assistance for the DPRK.

Justification: The Government of the DPRK contributes to the problem of trafficking through its forced labor prison camps, where North Koreans live in conditions of servitude, receiving little food and little, if any, medical care. The North Korean government made no discernible law enforcement efforts to combat trafficking in persons during the reporting period. The government reported no efforts to identify individuals as victims of trafficking or to assist trafficking victims. The government did not ensure that trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. On the contrary, victims undergo severe punishment by the authorities if caught attempting to cross the border or if deported back to North Korea.

Restricting assistance for the DPRK for its failure to make efforts to combat trafficking in persons expresses clear U.S. disapproval of the North Korean government's acceptance, if not endorsement, of trafficking.

Impact of Restrictions: The United States Government does not provide foreign assistance to the Government of the DPRK.

## Kuwait

The Government of Kuwait does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to bring itself into compliance. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: The Government of Kuwait did not enact its draft comprehensive anti-trafficking law, though a subcommittee-approved bill has been on the parliament's agenda since November 2009 without being debated. It also did not demonstrate any efforts to arrest, prosecute, or punish trafficking offenders. The government's victim protection measures remain weak, particularly due to its lack of proactive victim identification procedures and continued reliance on the sponsorship system, which causes victims of trafficking to be punished for immigration violations rather than protected. The government also did not make significant progress in fulfilling other commitments made since 2007, such as enacting the draft domestic workers' bill to provide domestic workers with the same rights as other workers or establishing a large-capacity permanent shelter for victims of trafficking. The government similarly made only minimal efforts to prevent trafficking in persons.

The President's determination with respect to Kuwait, consistent with the Act's waiver authority, will allow for the continuation of democracy and civil society programs in Kuwait through MEPI, and will permit continued security cooperation to effectively address global terrorism; maintaining Kuwait's indispensable support for United States Government operations in Iraq is a high priority. The Government of Kuwait hosts thousands of transiting and deployed U.S. forces and provides logistical support, fuel, facilities, and meals and billeting for U.S. and coalition military personnel. The imposition of sanctions would negatively affect the United States and Kuwaiti strategic alliance, possibly affecting significant Kuwaiti support in the midst of the drawdown of U.S. forces in Iraq. The immediate impact of sanctions would be a reduction in access necessary to maintain Kuwait's support for our efforts to combat terrorism and in our ability to encourage Kuwait's efforts to confront the growing Iranian military threat. Sanctioning MEPI programs would have removed a key United States Government tool in promoting democratic reform and human rights in Kuwait.

Impact of Restrictions: Restrictions on assistance under the Act would apply to approximately \$2.9 billion in projected FMS programs as well as approximately \$4 million in MEPI assistance.

## **Lebanon**

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking and, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, is deemed not to be making significant efforts to do so. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: The Government of Lebanon neither made combating human trafficking a national priority nor allocated resources to protecting victims. It also made no concerted efforts to educate the Lebanese public regarding the issue and failed to show substantial progress in identifying foreign victims of trafficking - particularly victims of domestic servitude and commercial sexual exploitation. It failed to bring specific charges of forced labor or forced prostitution in cases involving abuses against migrant workers and did not provide stringent punishments that would deter such crimes. However, following the government collapse in January 2011, the new government indicated a willingness to work on this issue and passed an anti-trafficking in persons bill through the parliament on August 4.

The President's determination with respect to Lebanon, consistent with the Act's waiver authority, will allow for continued U.S. assistance in Lebanon. A strong, stable and secure Lebanon is critical to U.S. interests in the Middle East, including our pursuit of a comprehensive regional peace. In line with these objectives, the United States continues to provide assistance to support democratic principles, expand the economic viability of the country, and strengthen legitimate, national security institutions. FMF and Non-proliferation, Anti-terrorism, Demining, and related programs serve to train, and equip the legitimate security institutions in Lebanon, the Lebanese Armed Forces and Internal Security Forces, who play a critical role in maintaining internal security and regional stability, while IMET programs provide professional military education and other specialized training to strengthen LAF officers and noncommissioned personnel. The determination will support the full implementation of UNSCR 1701, which calls for Lebanon to extend its authority and exercise its sovereignty over all Lebanese territory. Such a determination will also

allow continued ESF programming to support clean water initiatives, improve Lebanon's public education, and promote economic opportunity and stabilization in the country's poorest areas.

Impact of Restrictions: Restrictions on assistance under the Act would apply to an estimated \$100 million in FMF, \$100 million in ESF (including funds obligated by the Middle East Partnership Initiative), \$2.5 million in IMET, up to \$6.5 million in Transition Initiatives funding, and up to \$4.8 million in NADR.

## Libya

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking and, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, is deemed not to be making significant efforts to do so. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: In the first 11 months of the reporting period, the Libyan government demonstrated negligible efforts to investigate and prosecute trafficking offenses or to protect trafficking victims. Moreover, the government's policies and practices with respect to undocumented migrant workers resulted in Libyan authorities also punishing trafficking victims for unlawful acts that were committed as a result of their being trafficked.

Following the outbreak of civil unrest in February 2011, the political and humanitarian situation in Libya entered into a long and difficult transitional period. Pro-democracy protestors and civil society organizations have formed the Libyan Transitional National Council (TNC), which is providing essential services to the areas under its control and managing a military conflict against the Qadhafi regime. Since July, United States has recognized the TNC as the legitimate governing authority in Libya and no longer views the Qadhafi regime as having any legitimate authority. As part of a coordinated international effort, the United States is supporting the TNC in its efforts to protect vulnerable populations from regime attacks and to implement a transition to democracy.

The President's determination with respect to Libya, consistent with the Act's waiver authority, will allow for the continuation of vital U.S. assistance at this critical juncture. In contrast to Qadhafi's 42-year rule, the TNC has demonstrated its commitment to being an inclusive body that encourages the participation of a broad range of Libyan society. The TNC is already taking steps to plan for, and implement, a new constitution and a truly democratic government following resolution of the current crisis. The TNC has also issued public statements rejecting extremism and terrorism, and

embracing international obligations with respect to human rights.

In order to continue supporting the TNC's efforts and provide targeted assistance and expertise during a future political transition, the United States will need to continue its assistance to the TNC as the legitimate governing authority in Libya.

This is a critical period for Libya and the immediate impact of assistance restrictions would negatively affect U.S. ability to provide support and establish relationships with the emerging government in Libya, expand civil society, empower women to participate as full members of society, and engender a society that is pluralistic, participatory, and prosperous. Funds will also be used to establish and renew crucial partnerships relating to security and counterterrorism in Libya.

Impact of Restrictions: Restrictions on assistance under the Act would apply to approximately \$350,000 in IMET funding, \$250,000 in FMF, up to \$1.05 million in NADR assistance, \$5 million in Transition Initiatives funding, and \$7.5 million in ESF through MEPI.

## **Madagascar**

The *de facto* Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The President has determined to restrict assistance for Madagascar.

Justification: Since the March 2009 coup, combating human trafficking has not been a priority of the *de facto* government, despite the growing size of the problem both internally and transnationally. The authorities' anti-trafficking efforts were negligible during the year; they failed to prosecute or convict trafficking offenders, identify and refer repatriated victims to necessary services, and prevent the trafficking of Malagasy citizens. Lack of awareness on the coverage and application of the anti-trafficking law, and the continued arrest and punishment of underage children in prostitution by local law enforcement, contributes to the dismal state of anti-trafficking law enforcement efforts in Madagascar.

Restricting assistance for Madagascar for its failure to make efforts to combat trafficking in persons expresses clear U.S. concern and interest in improving the prevention and protection afforded to trafficked individuals, including repatriated Malagasy citizens, by the *de facto* Government of Madagascar. The imposition of voting restrictions in the international financial institutions (IFIs) would further reinforce strong U.S. disapproval of the *de facto* Government of Madagascar's failure to combat trafficking.

Impact of Restrictions: The United States Government, in light of various aid restrictions already in place, does not currently provide any non-humanitarian assistance in Madagascar.

## **Mauritania**

The Government of Mauritania does not fully comply with the Act's minimum standards for the elimination of trafficking and is not making significant efforts to bring itself into compliance. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects, and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: Mauritania is a source and destination country for men, women, and children subjected to conditions of forced labor and sex trafficking. Women, men, and children from traditional slave castes are subjected to slavery-related practices rooted in ancestral master-slave relationships. The Government of Mauritania demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period, but provided no support for programs to assist victims to file complaints on slavery. The government demonstrated negligible efforts to protect victims of human trafficking, including traditional slavery.

The President's determination with respect to Mauritania, consistent with the Act's waiver authority, will allow for the continuation of counterterrorism and democracy programs. Specifically, Mauritania is a key partner in TSCTP program, which is designed to improve the regional security situation, and strongly supports U.S. counterterrorism objectives. Sanctioning Mauritania would have a significant and lasting negative impact on U.S. efforts to support a partner in countering al-Qa'ida in the Maghreb. IMET assists in efforts to transform Mauritania's military into a conventional professional force that respects democratic values and human rights.

Impact of Restrictions: Restrictions on assistance under the Act would apply to approximately \$6 million in development assistance and ESF funds for programming to counter violent extremism, \$150,000 in IMET funding, \$200,000 in FMF, as well as a portion of the \$20,000,000 in Peacekeeping Operations funding requested for the TSCTP program that may be allocated to Mauritania improve Mauritania's military capacity to combat terrorism. The IMET assistance is aimed at professionalizing the Mauritanian military to one that respects human rights democratic values and international law. Additionally, Mauritania may receive Section 1206 (Department of Defense)

funds and TSCTP peacekeeping operations to bolster its counterterrorism and counter-radicalization efforts.

## **Micronesia**

The Government of the Federated States of Micronesia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to come into compliance. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: During the year, the government did not investigate or prosecute any trafficking cases, made no efforts to identify or assist victims of trafficking, and failed to make efforts to prevent trafficking or increase the general public's awareness of trafficking during the year. The government did not identify any trafficking victims during the reporting period and the government has never identified a trafficking victim in the country.

The President's determination with respect to Micronesia, consistent with the Act's waiver authority, will allow for the continuation of educational and cultural exchange programs and will promote greater competence of Micronesian government officials to manage complex issues facing vulnerable populations, such as diabetes control.

Impact of Restrictions: The United States Government does not provide non-humanitarian, non-trade related foreign assistance to the Micronesian government that would be subject to restrictions under the Act.

## **Papua New Guinea**

The Government of Papua New Guinea does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to bring itself into compliance. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: The Government of Papua New Guinea has not taken sufficient steps to address the significant problem of trafficking of women and underage girls for commercial sexual exploitation within the country. Despite the government's acknowledgement of trafficking as a problem in the country, the government did not investigate any suspected trafficking offenses, prosecute or convict any trafficking offenders under existing laws, address allegations of officials complicit in human trafficking crimes, or identify or assist any trafficking victims during the year.

The President's determination with respect to Papua New Guinea, consistent with the Act's waiver authority, will allow the United States Government to continue encouraging a military that respects human rights and will advance the goal of strengthening security in the Oceania region. Papua New Guinea is the center of gravity for United States Government re-engagement in the South Pacific. The continued success of Western-oriented democracy and development in Papua New Guinea is in U.S. interests, and provides stability to the rest of the region. Outside Tonga, Papua New Guinea is the only nation in the South Pacific to have a military with a growing, maturing relationship with the United States.

Impact of Restrictions: Restrictions on assistance under the Act would apply to an estimated \$300,000 in IMET and possibly the provision of some Excess Defense Articles. The IMET funding, part of the East Asia and Pacific Regional program, focuses on mid-level professional military education and technical training in areas such as health care.

## **Saudi Arabia**

The Government of Saudi Arabia does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to bring itself into compliance. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: Saudi Arabia is a destination country for men and women subjected to forced labor and to a much lesser extent, forced prostitution. The government did not prosecute and punish a significant number of trafficking offenders or significantly improve victim protection services during the year. The Government of Saudi Arabia's policy of allowing Saudi citizens and residents to sponsor migrant workers and restrict their freedoms, including exit from the country, continued to obstruct significant progress in dealing with human trafficking. Domestic workers - the population most vulnerable to forced labor - remained excluded from general labor law protections, and employers continued to withhold workers' passports regularly as a means of keeping them in forced labor. In a positive development, the government undertook some efforts to improve its response to the vast human trafficking problem in Saudi Arabia, including training government officials on its 2009 anti-trafficking law and conducting surprise visits to places where the victims may be found. The government also achieved its first conviction under its human trafficking law.

The President's determination with respect to Saudi Arabia, consistent with the Act's waiver authority, will allow for the continuation of democracy programs in Saudi Arabia through MEPI. It will also allow for the continuation of NADR programs in Saudi Arabia supported with EXBS funds. The waiver will permit the United States to achieve counter-terrorism objectives. Implementation of restrictions would reduce United States Government influence and access necessary to maintain Saudi Arabia's efforts in our Overseas Contingency Operations, as well as hinder efforts to confront the growing Iranian military threat.

Impact of Restrictions: Restrictions on assistance under the Act would apply to more than over \$10 billion in Foreign

Military Sales, \$5 million in MEPI assistance, and \$360,000 in NADR-EXBS funds.

## **Sudan**

The Government of the Republic of Sudan does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to bring itself into compliance. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: Although the Government of the Republic of Sudan took some steps to identify, demobilize, and reintegrate child soldiers during the reporting period, combating human trafficking through law enforcement, protection, or prevention measures was not a priority. The Republic of Sudan did not acknowledge that forced labor, forced prostitution, or child prostitution exists within the country, and did not publish data regarding its efforts to combat human trafficking during the year.

The President's determination with respect to Sudan, consistent with the Act's waiver authority, will allow the United States to continue programs that promote peace and protect vulnerable populations by preventing violence. The programs are designed to reduce tensions and encourage the government to promote regional stability and good relations with the new Republic of South Sudan as well as the region. Additionally, these programs may support stabilization efforts or peace process activities in Darfur. These programs are in the national interest because they further challenge the current government to prevent violence and to be held accountable to its citizens in marginalized areas as well as facilitate a peaceful resolution to the conflict in Darfur.

Impact of Restrictions: Comprehensive sanctions against Sudan are already in place, including those imposed under the International Emergency Economic Powers Act, those related to its designation as a state sponsor of terrorism, and several other legislative restrictions on assistance. Restrictions on assistance under the Act would nonetheless apply to more than \$30 million in ESF assistance to bolster stability within the country.

## Turkmenistan

The Government of Turkmenistan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to come into compliance. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: The Government of Turkmenistan demonstrated no significant law enforcement efforts to combat trafficking in persons during the reporting period. The government demonstrated no efforts to protect or assist victims during the reporting period, despite provisions in the 2007 trafficking law for victim care facilities and protection and assistance for victims of trafficking. The government did not provide counseling, shelter, legal assistance, or rehabilitative services to victims of trafficking, nor did it supply funding to international organizations or nongovernmental organizations to provide such services to victims. The government did not fund or conduct any anti-trafficking awareness campaigns in 2010.

The President's determination with respect to Turkmenistan, consistent with the Act's waiver authority, will allow for assistance that advances United States Government goals of promoting security in Central Asia and Afghanistan, advancing democracy and governance reform, promoting private sector development, increasing foreign investment and improving public health and education.

Impact of Restrictions: Restrictions on assistance under the Act would apply to approximately \$3.23 million in Assistance to Europe, Eurasia and Central Asia (AEECA), \$350,000 in IMET, \$800,000 in FMF and \$825,000 in NADR-EXBS. AEECA funds are intended to support efforts to advance good governance, implement economic reforms that will stimulate investment in the country and allow small and medium size enterprises to thrive, improve public health systems and their response to vulnerable populations, prevent and treat HIV and tuberculosis, and expand educational opportunities and citizen access to information.

FMF will be focused on enhancing Turkmenistan's in-country English language training capacity. Investing in the long-term development of the Turkmen's English language skills will increase opportunities for defense engagement and cooperation in

a variety of areas, and will have an impact for years to come. IMET will focus on defense modernization and military professionalization, with a particular emphasis on English language training. When possible, the IMET program brings students to the United States for long-term education in U.S. military institutions, where they are exposed to U.S. norms and values. NADR-EXBS aims to build strategic trade controls to prevent the proliferation of weapons of mass destruction and to enhance border security.

## **Venezuela**

The Government of Venezuela does not fully comply with the minimum standards for the elimination of trafficking and, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, is deemed not to be making significant efforts to do so. The President has determined to restrict assistance for Venezuela. The President has also determined, consistent with the provisions of the Act, that provision of assistance designed to strengthen the democratic process in Venezuela as well as provision of funding for participation by government officials and employees in educational and cultural exchange programs related to democracy and rule of law programming, would promote the purposes of the Act, or is otherwise in the national interest of the United States.

Justification: Venezuela is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. According to the public ministry's website, the government investigated potential cases of suspected human trafficking and arrested at least 12 people for trafficking crimes during the reporting period; however, there was no further publicly available information regarding those cases. Authorities maintained public awareness initiatives but did not implement formal procedures for identifying trafficking victims or provide victims with specialized care or services. The government drafted a comprehensive bill that would prohibit all forms of trafficking in persons, but did not enhance its interagency efforts to combat trafficking.

A partial waiver of restrictions is in the national interest because it will allow important U.S. assistance programs in Venezuela to continue at a critical time for Venezuelan democracy. The principal U.S. goal in Venezuela is to ensure a free, fair, broadly respected electoral process with ample participation, including from independent civil society. Such an election will support our goal of strengthening democratic institutions and encouraging informed citizen participation.

Impact of Sanctions: The United States does not currently provide non-humanitarian, non-trade-related assistance to the national Government of Venezuela. However, restrictions under the Act would affect an approximate \$5 million in proposed ESF grants to international and local non-governmental organizations that invite some government participation. This support will

assist in building civil society and ensuring a well-functioning, broadly participative electoral process.

## **Yemen**

The Government of the Republic of Yemen does not fully comply with the minimum standards for the elimination of trafficking and, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, is deemed not to be making significant efforts to do so. The President has determined, consistent with the provisions of the Act, that provision of all programs, projects and activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) would promote the purposes of the Act, or is otherwise in the national interest of the United States.

Justification: Yemen is a country of origin and, to a much lesser extent, a transit and destination country for men, women, and children subjected to forced labor and sex trafficking. The Yemini government reportedly prosecuted and convicted traffickers. However, the government made no progress in protecting victims. The government continues to lack formal victim identification procedures to proactively identify and assist victims of trafficking among vulnerable groups, such as women arrested for prostitution or those detained for illegal immigration. As a result, Yemen did not ensure that victims of trafficking are not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked.

The President's determination with respect to Yemen, consistent with the Act's waiver authority, will allow the United States to maintain its critical anti-terrorism efforts, encourage stable governance, and protect vulnerable populations through ongoing humanitarian programs. Yemen is a key partner in counterterrorism operations against al-Qa'ida in the Arabian Peninsula and cooperation with the Yemini government is vital to the U.S. national strategy to disrupt, dismantle, and defeat terrorist organizations by denying them sanctuary in the ungoverned spaces in Yemen. Cutting off assistance would jeopardize Yemen's capability to conduct special operations and counterterrorism missions and would create a dangerous level of instability in the country and the region.

The waiver will also allow for the continuation of ESF programs (including MEPI and USAID programming) focused on promoting more responsive governance; empowering local communities and expanding civil society, particularly in selected vulnerable areas; and providing central government support to elected

officials and ministries whose policies and services impact community life.

Restrictions would severely affect the United States Government's ability to provide critical assistance to Yemen related to security and counterterrorism while also addressing long-term political, economic, and governance challenges. The harm to the long-term bilateral relationship would be devastating and overall capacity for Yemen to maintain security and conduct counterterrorism operations would be significantly hampered.

IMET programs are critical to the United States Government's ability to influence and train current and future Yemeni military leaders and eliminating it would have both short and long term negative effects. FMF includes programming toward weapons and equipment for the Yemeni Special Operations Forces and Counterterrorism Unit charged with hunting down al-Qa'ida in the Arabian Peninsula. Sanctions under the Act would preclude our ability to assist Yemen in these critical areas.

Impact of Restrictions: Restrictions on assistance under the Act would apply to an estimated \$47.56 million in ESF, \$35 million in FMF, up to \$4.5 million in NADR (including ATA) programs, \$5 million in ESF obligated by MEPI, \$1.1 million in IMET, \$9.7 million in 1207, \$12.8 million in Complex Crisis Funds (CCF), and \$9.6 million in Transition Initiative funding.

## **Zimbabwe**

The Government of Zimbabwe does not fully comply with the Act's minimum standards for the elimination of trafficking, and is not making significant efforts to bring itself into compliance. The President has determined to restrict assistance for Zimbabwe. The President has also determined that provision of funding for programs for victims of trafficking in persons or to combat such trafficking, and for the promotion of health, good governance, education, agriculture and food security, poverty reduction, livelihoods, family planning, and macroeconomic growth including anti-corruption, and for programs that would have a significant adverse effect on vulnerable populations if suspended, would promote the purposes of the Act or is otherwise in the national interest of the United States.

Justification: Zimbabwe is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. While high-level officials showed an increased interest in trafficking issues, others denied the existence of a trafficking problem in Zimbabwe. The government did not report investigations, prosecutions, or convictions of trafficking cases. The government continued to rely on an international organization to provide law enforcement training, coordinate victim care and repatriation, and lead prevention efforts.

A partial waiver of restrictions under the Act is in the national interest because it will allow certain types of bilateral assistance not already restricted to the Government of Zimbabwe to promote the country's transformation from repression and poverty to a government that respects democratic freedoms and seeks to meet the needs of its people. Vulnerable populations, particularly women and children, have been especially impacted by the deteriorating political environment over the past decade. A failure to waive some of the restrictions under the Act will deepen the vulnerability of the population at large, making it more difficult for them to press for the political changes needed to transform Zimbabwe to a state that respects human rights.

Impact of Restrictions: The Government of Zimbabwe is already subject to foreign assistance restrictions due to, among other things, failure to repay debts owed to the United States pursuant to section 620(q) of the Foreign Assistance Act of 1961, as amended, and section 7012 (the "Brooke amendment") of the Department of State, Foreign Operations, and Related

Programs Act, 2010 (Division F, Public Law 111-117), as carried forward by the Full-Year Continuing Appropriations Act, 2011 (Division B, Public Law 112-10). Partial waivers, however, have been issued under section 620(q) and the Brooke amendment in the areas of education, agriculture and food security, family planning, and macro-economic growth including anti-corruption. Restrictions under the Act would apply to such assistance to the Government of Zimbabwe absent this partial waiver. Moreover, if the Government of Zimbabwe succeeds in repaying its debts owed to the United States, the partial waiver of restrictions under the Act will allow funding for programs for victims of trafficking in persons or to combat such trafficking, and for the promotion of health, good governance, education, agriculture and food security, poverty reduction, livelihoods, family planning, and macroeconomic growth including anti-corruption, and for programs that would have a significant adverse effect on vulnerable populations if suspended.